

AMENDED IN ASSEMBLY MARCH 22, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2005

Introduced by Assembly Member Emmerson

February 9, 2006

An act to amend Section 6254.24 of the Government Code, and to amend Section 1808.4 of the Vehicle Code, relating to records.

LEGISLATIVE COUNSEL'S DIGEST

AB 2005, as amended, Emmerson. Records: confidentiality.

(1) The California Public Records Act prohibits, among other things, and makes punishable as a misdemeanor or felony, as specified, a person who knowingly posts certain information as to an elected or appointed official on the Internet or that of the official's residing spouse or child knowing that person is an elected or appointed official and intending to cause imminent bodily harm to that individual. For this purpose, an elected or appointed official is variously defined and includes specified public safety officials, as separately defined.

This bill would add to the definition of a public safety official an employee of a district attorney who submits verification from the district attorney that the employee represents the district attorney in matters that routinely place that employee in personal contact with persons under investigation for, charged with, or convicted of, committing criminal acts. *This bill would also add to the definition of a public safety official a nonsworn employee of a police department or sheriff's office with certain specified duties in the course of his or her employment.* By expanding an existing crime, this bill would impose a state-mandated local program.

(2) Existing law makes confidential the home address of a list of local, state, and federal officers or employees, and the spouse or child of that officer or employee, that appears in the Department of Motor Vehicles records, if the included person requests it be kept confidential, with certain exemptions for information available to specified governmental agencies. A violation of the confidentiality requirement is a crime.

This bill would add to that list an employee of a district attorney who submits verification from the district attorney that the employee represents the district attorney in matters that routinely place that employee in personal contact with persons under investigation for, charged with, or convicted of, committing criminal acts. *This bill would also add to that list a nonsworn employee of a police department or sheriff's office with certain specified duties in the course of his or her employment.* This bill, by adding persons to be covered by those confidentiality requirements, would expand the scope of a crime, thereby imposing a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 6254.24 of the Government Code is
- 2 amended to read:
- 3 6254.24. As used in this chapter, "public safety official"
- 4 means the following:
- 5 (a) An active or retired peace officer as defined in Sections
- 6 830 and 830.1 of the Penal Code.
- 7 (b) An active or retired public officer or other person listed in
- 8 Sections 1808.2 and 1808.6 of the Vehicle Code.
- 9 (c) An "elected or appointed official" as defined in subdivision
- 10 (e) (f) of Section 6254.21.

1 (d) An attorney employed by the Department of Justice, the
2 State Public Defender, or a county office of the district attorney
3 or public defender.

4 (e) A city attorney and an attorney who represent cities in
5 criminal matters.

6 (f) A specified employee of the Department of Corrections and
7 Rehabilitation who supervises inmates or is required to have a
8 prisoner in his or her care or custody.

9 (g) A nonsworn employee who supervises inmates in a city
10 police department, a county sheriff's office, the Department of
11 the California Highway Patrol, federal, state, or a local detention
12 facility, and a local juvenile hall, camp, ranch, or home.

13 (h) A federal prosecutor, a federal criminal investigator, and a
14 National Park Service Ranger working in California.

15 (i) The surviving spouse or child of a peace officer defined in
16 Section 830 of the Penal Code, if the peace officer died in the
17 line of duty.

18 (j) An employee of a district attorney who submits verification
19 from the district attorney that the employee represents the district
20 attorney in matters that routinely place that employee in personal
21 contact with persons under investigation for, charged with, or
22 convicted of, committing criminal acts.

23 *(k) A nonsworn employee of a police department or sheriff's*
24 *office that, in the course of his or her employment, is responsible*
25 *for collecting, documenting, and preserving physical evidence at*
26 *crime scenes, testifying in court as an expert witness, and other*
27 *technical duties, and a nonsworn employee that, in the course of*
28 *his or her employment, performs a variety of standardized and*
29 *advanced laboratory procedures in the examination of physical*
30 *crime evidence, determines their results, and provides expert*
31 *testimony in court.*

32 SEC. 2. Section 1808.4 of the Vehicle Code is amended to
33 read:

34 1808.4. (a) For all of the following persons, his or her home
35 address that appears in a record of the department is confidential,
36 if the person requests the confidentiality of that information:

- 37 (1) Attorney General.
38 (2) State public defender.
39 (3) A member of the Legislature.
40 (4) A judge or court commissioner.

- 1 (5) A district attorney.
- 2 (6) A public defender.
- 3 (7) An attorney employed by the Department of Justice, the
- 4 office of the State Public Defender, or a county office of the
- 5 district attorney or public defender.
- 6 (8) A city attorney, and attorneys who submit verification
- 7 from their public employer that they represent the city in matters
- 8 that routinely place them in personal contact with persons under
- 9 investigation for, charged with, or convicted of, committing
- 10 criminal acts, if those attorneys are employed by a city attorney.
- 11 (9) A nonsworn police dispatcher.
- 12 (10) A child abuse investigator or social worker, working in
- 13 child protective services within a social services department.
- 14 (11) An active or retired peace officer, as defined in Chapter
- 15 4.5 (commencing with Section 830) of Title 3 of Part 2 of the
- 16 Penal Code.
- 17 (12) An employee of the Department of Corrections and
- 18 Rehabilitation specified in Sections 20403 and 20405 of the
- 19 Government Code.
- 20 (13) A nonsworn employee of a city police department, a
- 21 county sheriff's office, the Department of the California
- 22 Highway Patrol, a federal, state, or local detention facility, or a
- 23 local juvenile hall, camp, ranch, or home, who submits agency
- 24 verification that, in the normal course of his or her employment,
- 25 he or she controls or supervises inmates or is required to have a
- 26 prisoner in his or her care or custody.
- 27 (14) A county counsel assigned to child abuse cases.
- 28 (15) An investigator employed by the Department of Justice, a
- 29 county district attorney, or a county public defender.
- 30 (16) A member of a city council.
- 31 (17) A member of a board of supervisors.
- 32 (18) A federal prosecutor, criminal investigator, or National
- 33 Park Service Ranger working in this state.
- 34 (19) An active or retired city enforcement officer engaged in
- 35 the enforcement of the Vehicle Code or municipal parking
- 36 ordinances.
- 37 (20) An employee of a trial court.
- 38 (21) A psychiatric social worker employed by a county.
- 39 (22) A police or sheriff department employee designated by
- 40 the Chief of Police of the department or the sheriff of the county

1 as being in a sensitive position. A designation pursuant to this
2 paragraph shall, for purposes of this section, remain in effect for
3 three years subject to additional designations that, for purposes of
4 this section, shall remain in effect for additional three-year
5 periods.

6 (23) A state employee in one of the following classifications:

7 (A) Licensing Registration Examiner, Department of Motor
8 Vehicles.

9 (B) Motor Carrier Specialist 1, California Highway Patrol.

10 (C) Museum Security Officer and Supervising Museum
11 Security Officer.

12 (24) An employee of a district attorney who submits
13 verification from the district attorney that the employee
14 represents the district attorney in matters that routinely place that
15 employee in personal contact with persons under investigation
16 for, charged with, or convicted of, committing criminal acts.

17 (25) *A nonsworn employee of a police department or sheriff's*
18 *office that, in the course of his or her employment, is responsible*
19 *for collecting, documenting, and preserving physical evidence at*
20 *crime scenes, testifying in court as an expert witness, and other*
21 *technical duties, and a nonsworn employee that, in the course of*
22 *his or her employment, performs a variety of standardized and*
23 *advanced laboratory procedures in the examination of physical*
24 *crime evidence, determines their results, and provides expert*
25 *testimony in court.*

26 ~~(25)~~

27 (26) (A) The spouse or child of a person listed in paragraphs
28 (1) to ~~(24)~~ (25) inclusive, regardless of the spouse's or child's
29 place of residence.

30 (B) The surviving spouse or child of a peace officer, as
31 defined in Chapter 4.5 (commencing with Section 830) of Title 3
32 of Part 2 of the Penal Code, if the peace officer died in the line of
33 duty.

34 (b) The confidential home address of a person listed in
35 subdivision (a) shall not be disclosed, except to one of the
36 following:

37 (1) A court.

38 (2) A law enforcement agency.

39 (3) The State Board of Equalization.

1 (4) An attorney in a civil or criminal action that demonstrates
2 to a court the need for the home address, if the disclosure is made
3 pursuant to a subpoena.

4 (5) A governmental agency to which, under any provision of
5 law, information is required to be furnished from records
6 maintained by the department.

7 (c) A record of the department containing a confidential home
8 address shall be open to public inspection, as provided in Section
9 1808, if the address is completely obliterated or otherwise
10 removed from the record. The home address shall be withheld
11 from public inspection for three years following termination of
12 office or employment except with respect to retired peace
13 officers, whose home addresses shall be withheld from public
14 inspection permanently upon request of confidentiality at the
15 time the information would otherwise be opened. The home
16 address of the surviving spouse or child listed in subparagraph
17 (B) of paragraph ~~(25)~~ (26) of subdivision (a) shall be withheld
18 from public inspection for three years following the death of the
19 peace officer. The department shall inform a person who requests
20 a confidential home address what agency the individual whose
21 address was requested is employed by or the court at which the
22 judge or court commissioner presides.

23 (d) A violation of subdivision (a) by the disclosure of the
24 confidential home address of a peace officer, as specified in
25 paragraph (11) of subdivision (a), a nonsworn employee of a city
26 police department or county sheriff's office, or the spouses or
27 children of these persons, including, but not limited to, the
28 surviving spouse or child listed in subparagraph (B) of paragraph
29 ~~(25)~~ (26) of subdivision (a), that results in bodily injury to the
30 peace officer, employee of the city police department or county
31 sheriff's office, or the spouses or children of these persons is a
32 felony.

33 SEC. 3. No reimbursement is required by this act pursuant to
34 Section 6 of Article XIII B of the California Constitution because
35 the only costs that may be incurred by a local agency or school
36 district will be incurred because this act creates a new crime or
37 infraction, eliminates a crime or infraction, or changes the
38 penalty for a crime or infraction, within the meaning of Section
39 17556 of the Government Code, or changes the definition of a

- 1 crime within the meaning of Section 6 of Article XIII B of the
- 2 California Constitution.

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